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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23838 7590 11/25/2008 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
EXAMINER				
LE, MICHAEL				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/824,437

Applicant(s)

BRUNNABEND ET AL.

Examiner

MICHAEL LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the pre-appeal request filed on April 28, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Summary and Status of Claims

2. Claims 1-19 are pending.
3. Claim 2 is rejected under 35 U.S.C. 112, first paragraph.
4. Claims 2, 3, 5, 6, and 8 are rejected under 35 U.S.C. 112, second paragraph.
5. Claims 1-8 and 14-19 are rejected under 35 U.S.C. 101.
6. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Moraes et al. (US Patent Pub 2005/0033777).

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7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The computer readable medium recited in claims 14-18 is not mentioned in the Specification and is therefore not supported. As a result, a corresponding rejection under 35 U.S.C. 101 is set forth below.

Claim Objections

9. Claims 2, 7, 8, 12, and 18 objected to because of the following informalities:
10. In claim 2, "the reading component" has to be changed to --a reading component-- as it is a new limitation.
11. In claim 7, "information" should be changed to --data-- to maintain consistency.
12. In claim 8, "the log" should be changed to --the corrected entity log-- to maintain consistency.
13. In claims 12 and 18, "the correction" should be changed to --the request to correct-- to maintain consistency.
14. Appropriate correction is required.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

16. **Claim 2 is rejected under 35 U.S.C. 112, first paragraph**, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

17. Claim 2 recites "the reading component" in lines 1-2. First of all, there is a lack of antecedent basis for this limitation in the claim. Second, the "reading component" is not described in the Specification. A review of the specification did not result in a description of the reading component or the generation of "a new entity from the database entity that is read and stores it in the database." None of the drawings show a reading component either. It is the Examiner's conclusion that the reading component is not described anywhere in the Specification.

18. For the prior art rejections below, the Examiner will interpret the "reading component" and its functionality as that of the data flow manager recited in claim 1. Applicant is requested to point out support for the limitations of claim 2.

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. **Claims 2, 3, 5, 6, 8, and 12 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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21. Claims 2, 3, and 5 recite "a database entity" or "the database entity." It is unclear whether these are the same as a "data entity" recited in claim 1 or if they are two different types of entities. For the prior art rejections below, "database entity" will be interpreted as "data entity."

22. Claim 8 recites "a 'jump to' feature" in line 3. The quotations around the limitation render the scope of the limitation unclear. One of ordinary skill in the art would not be apprised to determine what Applicant intends the limitation to cover because of the quotations.

23. Further, claim 8 recites "the log" in line 4. It is unclear whether "the log" refers to the corrected entity log or the read history log. For the prior art rejections below, "the log" in claim 8, will be interpreted as referring to the corrected entity log.

24. Claim 12 recites "the correction" in line 1. There is a lack of antecedent basis for this limitation in the claim. The limitation will be interpreted as "a correction."

25. Claim 6 is rejected because it depends on a rejected claim. Dependent claims contain the limitations of the parent claims and are therefore rejected for the same reasons.

26. The prior art rejections to claims 2, 3, 5, 6, 8, and 12 below are made as best understood in light of the rejection under 35 U.S.C. 112, first and second paragraph addressed above.

Claim Rejections - 35 USC § 101

27. **Claims 1-8 and 14-19 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

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28. The basis of this rejection is set forth in a test of whether the invention is categorized as a process, machine, manufacture or composition of matter.

29. In the present case, **claims 1-8 and 19** recite a system that does not contain components defining the physical structure of the system. For a system claim to be statutory, it must recite physical components that define the physical structure of the system, thereby allowing the system to be categorized in one of the statutory categories of invention. Paragraph 29 also states that the systems may be software implemented.

30. In regards to **claims 14-18**, the computer readable medium is not supported by the Specification. As a result, the scope of computer readable medium is not defined and therefore can include carrier waves and signals, which are nonstatutory.

31. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to overcome the rejection.

Claim Rejections - 35 USC § 102

32. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

33. **Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Moraes et al. (US Patent Pub 2005/0033777) (Moraes).**

34. In regards to **claim 1**, Moraes discloses a correction server system, comprising:
- a. an analyzer to calculate an analytical result using at least one data entity stored in a database (Moraes at para. 0054; para. 0096)¹;
 - b. a data flow manager, responsive to read requests from agents to the database, to store a read history identifying a relationship between the data entity being read and the analytical result (Moraes at para. 0100 “DBDir”); and
 - c. a correction server that, when corrections are made to the database, identifies corrected entities in a corrected entity log (Moraes at para. 0054)² and compares the corrected entity log against the read history to identify analytical results rendered possibly inconsistent due to the correction. Moraes at para. 0102.
35. In regards to **claim 2**, Moraes discloses the correction server system of claim 1, further comprising a reading component, which generates a new entity from the database entity that is read and stores it in the database. Moraes at para. 0103.
36. In regards to **claim 3**, Moraes discloses the correction server system of claim 1, wherein the read history log identifies leading and dependent entities, a leading entity being a database entity that is read by a component and a dependent entity being a new object entity created from the database entity that is read. Moraes at Fig. 7, element 704; para. 0083.

¹ Observer module (i.e., analyzer) is used to observe an initial baseline value of data items (i.e., calculate an analytical result using at least one data entity from the database).

² Session module (i.e., correction server) organizes all changes to data items (i.e., identifies corrected entities) into change sessions (i.e., corrected entity log).

37. In regards to **claim 4**, Moraes discloses the correction server system of claim 1, wherein the read history stores pairs of entity identifiers. Moraes at Fig. 7, element 704; para. 0083.

38. In regards to **claim 5**, Moraes discloses the correction server system of claim 1, wherein the correction server receives correction data that includes an identifier of a database entity being corrected, an indication of fields within the database entity that are being changed and an identification of field values that are changed. Moraes at Fig. 7, element 703; para. 0077.

39. In regards to **claim 6**, Moraes discloses the correction server system of claim 5, wherein the corrected entity log stores all the correction data noted in claim 5. Moraes at para. Fig. 7, element 703; para. 0077.

40. In regards to **claim 7**, Moraes discloses the correction server of claim 1, wherein the correction server further comprises a filtering agent that compares correction data to filtering criterion and stores the correction data in the corrected entity log only if the correction data matches the filtering criterion. Moraes at para. 0055³.

41. In regards to **claim 8**, Moraes discloses the correction server system of claim 1, wherein the correction server further includes a user interface that permits review and display of the corrected entity log (Moraes at para. 0056), the user interface providing a jump to feature that, when activated with respect to an entry of the log causes a data entity referenced by the entry to be retrieved and displayed. Moraes at para. 0044; Fig. 18, element 18-7; para. 0138; para. 0140.

³ The recorder module validates all processes to ensure they fall within the policies (i.e., filtering criterion) of the tracer) and only traces if it is authorized (i.e., stores correction data only if correction data matches the filtering criterion).

42. In regards to **claim 9**, Moraes discloses a computer-implemented correction management method comprising:

- a. responsive to a request to correct a first database entity, creating a second database entry that is a corrected copy of the first database entity (Moraes at para. 0055),
- b. storing an entry in a corrected entity log that identifies the first database entity (Moraes at para. 0077),
- c. comparing the corrected entity log entry against a read history log identifying prior accesses to the database (Moraes at para. 0142),
- d. if the entry matches an entry from the read history log, identifying a dependent database entity from the read history log as a possibly inconsistent entity (Moraes at para. 0054; para. 0102; para. 0194), the dependent database entity based on an analytical result calculated from the first database entity. Moraes at para. 0054; para. 0096.

43. In regards to **claim 10**, Moraes discloses the correction management method of claim 9, wherein the read history log stores paired leading entity identifiers and dependent entity identifiers relating to the prior accesses. Moraes at Fig. 7, element 704; para. 0083.

44. In regards to **claim 11**, Moraes discloses the correction management method of claim 10, wherein the comparison is made between an entity identifier from the corrected entity log and the leading entity identifier from the read history log. Moraes at Fig. 7, element 704; para. 0083.

45. In regards to **claim 12**, Moraes discloses the correction management method of claim 9, wherein the request to correct includes an entity identifier of the first database entity and an indication of fields within the first database entity being corrected. Moraes at Moraes at Fig. 7, element 704; para. 0083.

46. In regards to **claim 13**, Moraes discloses the correction management method of claim 9, further comprising comparing the correction request to filtering criteria and performing the storing and comparing unless the correction request does not satisfy the filtering criteria. Moraes at para. 0055⁴.

47. **Claims 14-18** are essentially claims 9-13, respectively, in the form of a computer readable medium. Moraes discloses a computer readable medium. Moraes at para. 0041.

48. In regards to **claim 19**, Moraes discloses a system for identifying inconsistent data in a computer system comprising:

- a. a first database to store data generated during operation of the computer system (Moraes at Fig. 3A, element 301);
- b. a correction manager to manage corrections performed in the system (Moraes at Fig. 3A, element 300; para. 0047-8), the correction manager further comprising:
 - i. a second database to store a list of corrected data entries in the first database (Moraes at para. Fig. 3A, element 301; para. 0054); and

⁴ The recorder module validates all processes to ensure they fall within the policies (i.e., filtering criterion) of the tracer) and only traces if it is authorized (i.e., stores correction data only if correction data matches the filtering criterion).

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- ii. a third database to store a list of uncorrected data entries identified as potentially inconsistent due to a correction performed on an entity listed in the second database (Moraes at Fig. 3A, element 301; para. 0055); and
- iii. a data flow manager to manage access to the first database, the second database, and the third database by an analyzer (Moraes at para. 0054; para. 0096), the analyzer to provide analytical results calculated from data stored in the first database to an operator of the system. Moraes at para. 0054; para. 0096.

Response to Arguments

Rejection of claims 1-19 under 35 U.S.C. 102(b)

49. Applicant's arguments in regards to the rejections to claims 1-19 under 35 U.S.C. 102(b), have been fully considered but are moot in view of the new grounds of rejection set forth above.

Conclusion

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.

51. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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52. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Le/
Examiner, Art Unit 2163

/don wong/
Supervisory Patent Examiner, Art Unit 2163